

### **REMARKS**

This is in full and timely response the non-final Office Action mailed on December 20, 2004. Reexamination in light of the following remarks is respectfully requested.

Claims 1-8 are currently pending in this application, with claims 1, 5, 7 and 8 being independent. *No new matter has been added.*

#### **Priority**

Acknowledgment of a claim to foreign priority benefits under 35 U.S.C. §119 is respectfully requested.

#### **Drawing corrections**

Acknowledgment and approval of the proposed drawing changes as REPLACEMENT SHEETS submitted with the Request For Approval Of Drawing Corrections of August 11, 2004 is respectfully requested.

#### **Prematureness**

Applicant, seeking review of the prematureness of the final rejection within the Final Office action, respectfully requests reconsideration of the finality of the Office action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

#### **Rejection under 35 U.S.C. §103**

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a *new non-final Office Action* is respectfully requested.

Claims 1-8 were rejection under 35 U.S.C. §103(a) as allegedly being **anticipated** [sic] by UK Patent Application No. GB 2 303 956 to Tomoyuki Nonaka et al. (Nonaka)

This rejection is traversed at least for the following reasons.

As an initial matter, the “second or any subsequent actions on the merits shall be final, **except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment** of the claims nor based on information submitted in an information disclosure statement” (*emphasis added*). M.P.E.P. §706.07(a).

The non-final Office Action mailed on May 19, 2004 includes the rejection of claims 1-6 under 35 U.S.C. **§102(b)** as allegedly being anticipated by UK Patent Application No. GB 2 303 956 to Tomoyuki Nonaka et al. (Nonaka). No other rejection has been set forth within the non-final Office Action of May 19, 2004.

In response to the non-final Office Action mailed on May 19, 2004, the Amendment In Response To Non-Final Office Action filed on August 11, 2004 includes an amendment that adds claims 7 and 9. **No amendment to claims 1-6** has been presented within the Amendment of August 11, 2004

But the Final Office Action of December 20, 2004 includes a rejection applied to claims 1-6 under 35 U.S.C. **§103**. As a result, the rejection applied to claims 1-6 under 35 U.S.C. **§103** instead of a rejection made under 35 U.S.C. **§102** is an introduction of a **new ground of rejection that was neither necessitated by applicant's amendment** of the claims nor based on information submitted in an information disclosure statement. Thus, the issuance of a Final Office Action at this time is **premature and improper** as a result.

In this regard, the rejection claims 1-6 under 35 U.S.C. §103 should have occurred within the context of a **non-final Office Action** instead of occurring within the context of a Final Office Action. Withdrawal of the Final Office Action is respectfully requested.

The Office Action fails to correlate the elements within Nonaka to those found within the claimed invention. In this regard, the Office Action is incomplete and lacks clarity. See M.P.E.P. §707.07.

Claim 1 and the claims dependent thereon include the steps of:

recording, in a portable electronic device and a management center, information on a deposited amount of money, said information being stored in said portable electronic device in the form of electronic money representing a monetary value; and

recording, in said portable electronic device and said management center, information on a loan made to the user of said portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the electronic money stored in said portable electronic device.

Nonaka arguably teaches an electronic purse loan system wherein a repayment term storage may be provided in the personal information storage 34 in the center 3 (Nonaka at page 19, line 23 to page 20, line 5).

Nevertheless, Nonaka fails to disclose, teach or suggest an electronic-money settlement method that includes the step of recording, in the portable electronic device and the management center, information on a loan made to the user of the portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the electronic money stored in the portable electronic device.

Moreover, Nonaka fails to disclose, teach or suggest second means in which, when a payment amount exceeds the remaining amount of the electronic money stored in said portable electronic device, said second means records information on a loan made to the user of said portable electronic device in said portable electronic device, and notifies said management center of said information.

Specifically, figure 2 of Nonaka arguably depicts personal information storage 34 (Nonaka at page 7, lines 17-18). Figure 1 of Nonaka arguably depicts the incorporation of the personal information storage 34 within a center 3, and arguably depicts an IC card 1 and an electronic purse terminal 2 (Nonaka at page 6, lines 20-24). Nonaka arguably teaches that within step S112 of figure 3, a new balance is written to the sum information storage 14 of the IC card 1 (Nonaka at page 10, line 22 to page 11, line 1). Nonaka arguably teaches an electronic purse loan system wherein repayment may be set for payment in monthly installments and charges can be loaned many times within the term for repayment (Nonaka at page 21, line 19 to page 22, line 2), and arguably teaches that the amount of the loan is stored in the personal information storage 34 (Nonaka at figure 2, page 19, line 23 to page 20, line 5).

Yet, Nonaka fails to disclose, teach or suggest the amount of the loan being stored within the IC card 1.

As further shown within the flowcharts depicted with figures 3, 4, 6, 8, and 12, Nonaka fails to disclose, teach or suggest the amount of the loan being stored within the electronic purse terminal 2. Specifically, note that for figure 4, if the user is given a loan in step S223 and the date is within the term of repayment set by the center 3 in step S224, the charge is added to the sales storage 33 by the processor 32 of the center 3 in step S225 and the loan storage 62 shown in figure 2 in the personal information storage 34 are updated in step S226 (page 20, lines 6-12).

Yet, Nonaka fails to disclose, teach or suggest the amount of the loan also being stored within the electronic purse terminal 2.

Claim 5 is drawn to an information processing apparatus that subtracts a used amount from a monetary value stored in a portable electronic device in the form of electronic money so that the remaining amount of the electronic money in the portable electronic device is updated, said information processing apparatus comprising:

first means for notifying a management center of the updated amount; and

second means in which, when a payment amount exceeds the remaining amount of the electronic money stored in said portable electronic device, said second means records information on a loan made to the user of said portable electronic device in said portable electronic device, and notifies said management center of said information.

But as shown hereinabove, Nonaka fails to disclose, teach or suggest second means in which, when a payment amount exceeds the remaining amount of the electronic money stored in the portable electronic device, the second means records information on a loan made to the user of the portable electronic device in the portable electronic device, and notifies the management center of the information.

In this regard, Nonaka fails to disclose, teach or suggest the amount of the loan being stored either within the IC card 1 or within the electronic purse terminal 2.

Claim 7 is drawn to an electronic-money settlement method comprising the steps of:

subtracting an amount from a monetary value stored in a portable electronic device in accordance with a transaction between said portable electronic device and an information processing apparatus;

recording information on a loan to the user of said portable electronic device up to a predetermined limit when a payment amount exceed the remaining amount of the monetary value, in said portable device, by communicating with a management center through said information processing apparatus, said predetermined loan limit being managed by said management center;

recording a transaction history and said loan information in said information processing apparatus; and

sending said transaction history and said loan information to said management center.

But as shown hereinabove, Nonaka fails to disclose, teach or suggest a step of recording a transaction history and the loan information in the information processing apparatus. In this regard, Nonaka fails to disclose, teach or suggest the amount of the loan being stored within the electronic purse terminal 2.

Claim 8 is drawn to an information processing apparatus that subtracts a used amount from a monetary value stored in a portable electronic device in the form of electronic money so that the remaining amount of the electronic money in the portable electronic device is updated, said information processing apparatus comprising:

means for notifying a management center of the updated amount;

means for recording information on a loan to the user of said portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the monetary value, in said portable electronic device, by communicating with a management center, said predetermined loan limit being managed by said management center, said transaction history being recorded in said recoding means; and

means for sending said transaction history and said loan information to said management center.

However, as shown hereinabove, Nonaka fails to disclose, teach or suggest means for recording information on a loan to the user of the portable electronic device up to a predetermined limit when a payment amount exceeds the remaining amount of the monetary value, in the portable electronic device, by communicating with a management center, the predetermined loan limit being managed by the management center, the transaction history being recorded in the recoding means.

In this regard, Nonaka fails to disclose, teach or suggest the amount of the loan being stored either within the IC card 1 or within the electronic purse terminal 2.

**Please note that within Nonaka, loan information is found only within the center 3.**

The Office Action further contends that figures 2a, 2b, 5 and 10 of Nonaka depict the format of the data storage in the IC (Office Action at page 5).

In response to this contention, whereas figures 2a, 2b, 5 of Nonaka arguably depicts personal information storage 34, figures 2a, 2b, 5 of Nonaka fail to depict any portion of the IC card 1. Whereas figure 10 of Nonaka arguably depicts personal information storage 110 (Nonaka at page 34, lines 5-7), figure 10 of Nonaka fail to depict any portion of the IC card 1.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

### **Conclusion**

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. (original) Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

By

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